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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 9

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## STATE OF MAINE.

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RESOLVE proposing an amendment to article four of the constitution of the State of Maine, establishing a people's veto through the optional referendum, and a direct initiative by petition and at general elections.

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*Resolved*, That the following amendment to the constitution of this state be proposed for the action of the legal voters of this state in the manner provided by the constitution, to wit:

Part first of article four is hereby amended as follows, namely:

By striking out all of section one after the word "Maine" in the third line thereof, and inserting in lieu thereof the words "The joint action of both shall be subject to a people's veto and direct initiative as hereinafter provided and the style of their acts and laws shall be 'Be it enacted by the

12 people of the state of Maine,' so that said section as amended  
13 shall read as follows, namely,

'The legislative power shall be vested in two distinct  
15 branches, a house of representatives and a senate, each to  
16 have a negative on the other, and both to be styled the legis-  
17 lature of Maine. The joint action of both shall be subject  
18 to a people's veto and direct initiative as hereinafter provided,  
19 and the style of their acts and laws shall be, 'Be it enacted by  
20 the people of the state of Maine.'

Part third of article four is hereby amended as follows,  
22 namely, by inserting in section one after the words "bien-  
23 nially and" in the second line thereof, the words 'with the  
24 exceptions hereinafter stated,' so that said section shall read  
25 as amended:

'The legislature shall convene on the first Wednesday of  
27 January, biennially, and, with the exceptions hereinafter  
28 stated, shall have full power to make and establish all reason-  
29 able laws and regulations for the defense and benefit of the  
30 people of this state, not repugnant to this constitution nor to  
31 that of the United States.'

Part third of article four is further amended by adding to  
33 said article the following sections to be numbered from six-  
34 teen to twenty-two inclusive, namely,

'Sect. 16. No act or resolution of the legislature shall take  
2 effect until ninety days after the recess of the legislature  
3 passing it, unless in case of emergency, (which with the facts  
4 constituting the emergency shall be expressed in the preamble  
5 of the act,) the legislature shall, by a vote of two-thirds of  
6 all the members elected to each house, otherwise direct.

7 An emergency bill shall include only such measures as are  
8 immediately necessary for the preservation of the public  
9 peace, health, or safety, and appropriations for payment of  
10 salaries fixed by law and for payment of the expenses of the  
11 legislature; and shall not include (1) an infringement of the  
12 right of home rule for municipalities, (2) a franchise or  
13 license to a corporation or an individual to extend longer than  
14 one year, or (3) provision for the sale or purchase or rent-  
15 ing for more than five years of real estate.

16 Sect. 17. Upon written petition of not less than seven  
2 thousand electors, addressed to the governor and filed in the  
3 office of the secretary of state within ninety days after the  
4 recess of the legislature, requesting that one or more acts,  
5 bills, resolutions, or part or parts thereof, passed by the legis-  
6 lature, but not then in effect by reason of the provisions of  
7 the preceding section, be referred to the people, such acts,  
8 bills, resolutions or part or parts thereof as are specified in  
9 such petition shall not take effect until ninety days after the  
10 same shall have been ratified by a majority of the electors  
11 voting thereon at a general or special election. As soon as  
12 it appears that the effect of any act, bill or resolution or part  
13 or parts thereof has been suspended by petition in manner  
14 aforesaid, the governor by public proclamation shall give  
15 notice thereof and of the time when such measure is to be  
16 voted on by the people, which shall be at the next general  
17 election not less than sixty days after such proclamation, or  
18 in case of no general election within fifteen months thereafter  
19 the governor may, and if fifteen thousand electors petition  
20 therefor shall order such measure submitted to the people at

21 a special election not less than four months after his procla-  
22 mation thereof.'

'Sect. 18. The electors may propose to the legislature for  
2 its consideration any bill or resolution, including bills to  
3 amend or repeal emergency legislation but not an amendment  
4 of the state constitution, either by pasteur attached to the  
5 official ballot at a general election held within the year pre-  
6 vious to the session of the legislature, or by written petition  
7 addressed to the legislature or to either branch thereof and  
8 filed in the office of the secretary of state or presented to  
9 either branch of the legislature at least thirty days before the  
10 close of its session. Any measure thus proposed by not less  
11 than ten thousand electors, unless enacted without change by  
12 the legislature at the session at which it is presented, shall be  
13 submitted to the electors together with any amended form,  
14 substitute, or recommendation of the legislature, and in such  
15 manner that the people can choose between the competing  
16 measures or reject both. Electors may express second  
17 choice. When there are competing bills and neither receives  
18 a majority of the votes given for and against both, the one  
19 receiving the most votes shall be re-submitted by itself if it  
20 receives more than one-third of the votes given for and  
21 against both. If the measure initiated is enacted by the  
22 legislature without change, it shall not go to a referendum  
23 vote unless in pursuance of a demand made in accordance  
24 with the preceding section. The legislature may order a  
25 special election on any measure that is subject to a vote of  
26 the people. The governor may, and on petition of not less  
27 than fifteen thousand electors shall, by proclamation order

28 any measure proposed to the legislature by at least ten thou-  
29 sand electors as herein provided, and not enacted by the legis-  
30 lature without change, referred to the people at a special  
31 election to be held not less than four months after such  
32 proclamation.'

'Sect. 19. Any measure referred to the people, and  
2 approved by a majority of the votes given thereon, shall take  
3 effect, and become a law in ninety days after the vote is given  
4 thereon, unless a later date is specified in such measure. The  
5 governor shall make public proclamation of the result of the  
6 votes on all measures submitted to the people. The veto  
7 power of the governor shall not extend to any measure  
8 approved by vote of the people, and any measure initiated by  
9 the people and passed by the legislature without change if  
10 vetoed by the governor shall be referred to the people to be  
11 voted on at the next general election. The legislature may  
12 enact measures expressly conditioned upon the people's ratifi-  
13 cation by referendum vote.'

'Sect. 20. As used in either of the three preceding sections  
2 the words "electors" and "people" mean the electors of the  
3 state qualified to vote for governor; "recess of the legisla-  
4 ture" means the adjournment without day of a session of the  
5 legislature; "general election" means the November election  
6 for choice of presidential electors or the September election  
7 for choice of governor and other state and county officers;  
8 "measure" means an act, bill or resolution passed or enacted  
9 by the legislature or bill or resolution proposed by the people,  
10 or two or more such, or part or parts of such, as the case  
11 may be; "written petition" means one or more petitions  
12 written or printed, or partly written and partly printed, with

13 the original signatures of the petitioners attached, verified  
14 as to the authenticity of the signatures by the oath of one of  
15 the petitioners certified thereon, and accompanied by the  
16 certificate of the clerk of the city, town or plantation in which  
17 the petitioners reside that their names appear on the voting  
18 list of his city, town or plantation as qualified to vote for  
19 governor. The petitions and pasters attached to the official  
20 ballot shall set forth the full text of the measure requested  
21 or proposed. The full text of a measure submitted to a vote  
22 of the people under the provisions of the constitution need  
23 not be printed on the official ballots, but, until otherwise  
24 provided by the legislature, the secretary of state shall pre-  
25 pare the ballots in such form as to present the question or  
26 questions concisely and intelligibly.

Sect. 21. The city council of any city may establish the  
2 initiative and referendum for the electors of such city in  
3 regard to its municipal affairs, provided that the ordinance  
4 establishing and providing the method of exercising such  
5 initiative and referendum shall not take effect until ratified  
6 by vote of a majority of the electors of said city, voting  
7 thereon at a municipal election. Provided, however, that the  
8 legislature may at any time provide a uniform method for  
9 the exercise of the initiative and referendum in municipal  
10 affairs.

Sect. 22. Until the legislature shall enact further regula-  
2 tions not inconsistent with the constitution for applying the  
3 people's veto and direct initiative, the election officers and  
4 other officials shall be governed by the provisions of this  
27 constitution and of the general law, supplemented by such

6 reasonable action as may be necessary to render the four  
7 preceding sections self-executing.

*Resolved*, That all the foregoing is proposed to be voted  
9 upon as one amendment, and not as two or more several  
10 amendments.

*Resolved*, That the aldermen of cities, the selectmen of  
12 towns and the assessors of the several plantations in this  
13 state are hereby empowered and directed to notify the inhab-  
14 itants of their respective cities, towns and plantations in the  
15 manner prescribed by law at the meeting in September in  
16 the year one thousand nine hundred and eight upon the  
17 amendment proposed in the foregoing resolutions, and the  
18 question shall be

"Shall the constitution be amended as proposed by a reso-  
20 lution of the legislature providing for the establishment of  
21 a people's veto through the optional referendum and a direct  
22 initiative by petition and at general election?" and the inhab-  
23 itants of said cities, towns and plantations shall vote by  
24 ballot on said question, those favoring the amendment voting  
25 "yes" and those opposing voting "no" upon their ballots, and  
26 the ballots shall be received, sorted, counted and declared in  
27 open ward, town and plantation meeting and lists of the votes  
28 so received shall be made and returned to the office of the  
29 secretary of state in the same manner as votes for governor  
30 and members of the legislature, and the governor and council  
31 shall count the same and make return to the next legislature,  
32 and if it shall appear that a majority of the votes are in favor  
33 of the amendment, the constitution shall be amended accord-  
34 ingly.